

REMARKS

Claims 18–29 are pending in this application. By this Amendment, the specification is amended, claims 1–17 are canceled, and claims 18–29 are added. Support for the new claims may be found, for example, in the specification and the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

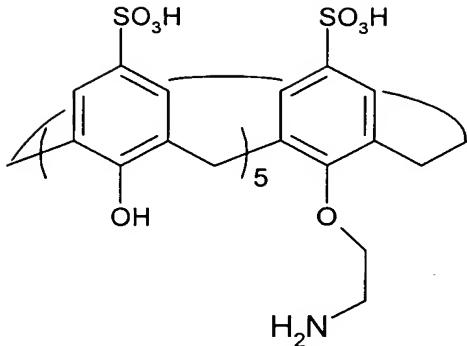
I. Personal Interview

The courtesies extended to Applicants' representative by Examiner Horning at the interview held October 6 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Amendments to the Specification

As set forth above, the specification is amended to correct a typographical error. Specifically, the paragraph beginning on page 20, line 1, stated: "According to a preferred embodiment, the macrocyclic ligand corresponds to general formula (Ia) in which n = 6, X = Y = sulfate and R₇ is -CH₂CH₂NH₂." However, general formula (Ia) does not have an X or a Y variable. Instead, it should have indicated that "each R₂ = sulfate."

Support for the amendments may be found in the description of general formula (Ia), where the specification states that "each group R₂, taken independently, is a sulfate group or a phosphate group." *See* page 19, lines 17–18. Furthermore, the specification discloses in the paragraph bridging pages 25 and 26 a C6S macrocyclic adjuvant ligand having the general formula:



As can be seen, this C6S macrocyclic adjuvant ligand corresponds to general formula (Ia) where n=6 (thus, n-1 = 5), each R₂ = sulfate, and R₇ = -CH₂CH₂NH₂.

Accordingly, Applicants respectfully submit that the amendments to the specification do not constitute new matter.

III. Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1–15 as being incomplete for omitting essential steps. By this Amendment, claims 1–15 are canceled, rendering their rejection moot.

Applicants respectfully submit that new claims 18–29 have been redrafted from the original claims to address each of the grounds for indefiniteness outlined in the Office Action.

In view of the redrafted claims, reconsideration and withdrawal of the rejection are requested.

IV. Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1–10 and 15–17 for failing to comply with the written description requirement. By this Amendment, claims 1–10 and 15–17 are canceled, rendering their rejection moot. With respect to new claim 18, it recites, "contacting the biological sample with a molecule selected from the group consisting of polyallylamine, triethylenetetraamine (TET), bis-3-aminopropylamine, spermine tetrahydrochloride, dihydrostreptomycin sesquisulfate, streptomycin, and salts of streptomycin to form PrP

aggregates in a reaction mixture." See specification at page 5, lines 8–14. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Rejections Under 35 U.S.C. §102(b)

A. Van Kruchten

The Office Action rejects claims 16 and 17 under 35 U.S.C. §102(b) over U.S. Patent No. 6,137,014 to Van Kruchten ("Van Kruchten"). By this Amendment, claims 16 and 17 are canceled, rendering their rejection moot.

B. Lansbury

The Office Action rejects claims 1, 2, 6, 9, and 16 under 35 U.S.C. §102(b) over U.S. Patent No. 6,054,114 to Lansbury ("Lansbury"). By this Amendment, claims 1, 2, 6, 9, and 16 are canceled, rendering their rejection moot. New claim 18 contains the subject matter of canceled claim 11, which is not rejected under this rejection. Claims 19–29 variously depend from claim 18 and, thus, contain all the limitations of claim 18. Accordingly, Lansbury does not anticipate new claims 18–29.

Reconsideration and withdrawal of the rejection are respectfully requested.

VI. Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 1–10 under 35 U.S.C. §103(a) over Lansbury in view of U.S. Patent Application No. 2004/0096902 to Kiesewetter ("Kiesewetter"). By this Amendment, claims 1–10 are canceled, rendering their rejection moot. New claim 18 contains the subject matter of canceled claim 11, which is not rejected under this rejection. Claims 19–29 variously depend from claim 18 and, thus, contain all the limitations of claim 18. Accordingly, new claims 18–29 would not have been rendered obvious by Lansbury and Kiesewetter.

Reconsideration and withdrawal of the rejection are respectfully requested.

VII. Obviousness-Type Double Patenting Rejections

A. U.S. Patent No. 7,217,530

The Office Action rejects claims 1–17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1–7 of U.S. Patent No. 7,217,530 in view of Kiesewetter. By this Amendment, claims 1–17 are canceled, rendering their rejection moot.

Reconsideration and withdrawal of the rejection in view of new claims 18–29 are respectfully requested.

B. Copending Application No. 11/701,334

The Office Action provisionally rejects claims 1–17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10–22 of copending Application No. 11/701,334 in view of Kiesewetter. By this Amendment, claims 1–17 are canceled, rendering their rejection moot.

Reconsideration and withdrawal of the rejection in view of new claims 18–29 are respectfully requested.

VIII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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